

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Teri J. McDermott

Plaintiff

v.

Wolters Kluwer Health, Inc., Ovid Technologies, Inc.,
and Ebsco Publishing, Inc.

Defendant

11 CIV 4161
Civil Action No.

JUDGE JONES

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Ebsco Publishing, Inc.
5724 Highway 280 East
Birmingham, AL 35242

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew Berger, Esq.
Tannenbaum Helpert Syracuse & Hirschtritt LLP
900 Third Avenue
New York, NY 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK
CLERK OF COURT

Date:

JUN 17 2011

Manoel Quintero
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERI J. MCDERMOTT

Plaintiff,

- against -

WOLTERS KLUWER HEALTH, INC., OVID
TECHNOLOGIES, INC. and EBSCO PUBLISHING,
INC.

Defendants.

:
: AFFIRMATION OF SERVICE
:

: 11 Civ. 04161
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Andrew Berger affirms as follows:

1. I am counsel to Tannenbaum Helpert Syracuse & Hirschtritt LLP, attorneys for plaintiff Teri J. McDermott in this action.
2. By email dated June 20, 2011, Michael S. Denniston, Esq. of the firm of Bradley Arant Boult Cummings LL representing defendant Ebsco Publishing, Inc. ("Ebsco") agreed to accept service on behalf of Ebsco. Further, Mr. Denniston agreed also on June 20 to accept service by email.
3. Accordingly by email dated June 21, 2011 I sent Mr. Denniston copies of the following: the summons to Ebsco; the complaint in this action; the summons issued to each of the other defendants; and the local rules of the Hon. Barbara Jones and Magistrate Judge Frank Maas.
4. I declare under penalty of perjury that the foregoing is true and correct.



Andrew Berger

Dated: New York, N.Y.
June 28, 2011